

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

REMARKS

In response to the Office Action dated April 20, 2007, the Assignee respectfully requests reconsideration based on the above claim amendments and on the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-6 and 18-20 are pending in this application. Claims 7-17 have been canceled without prejudice or disclaimer.

Objection to the Drawings

The Office objects to FIGS. 1 and 2 for not including descriptive labels (such as "STB" for reference numeral 106). The Assignee, though, respectfully asks Examiner Hossain to reconsider this objection. Descriptive labels are not required for block diagrams. Moreover, descriptive labels are undesirable and must be translated into other languages, thus increasing the costs. Examiner Hossain is thus respectfully requested to reconsider this objection.

Rejections under 35 U.S.C. § 112

Claims 6 and 7-12 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Claim 6, however, fully complies with the patent laws. Claim 6 describes how the processor "*receives resource information from a remote resource manager operating in the set top box.*" Support for such features may be found at least at paragraphs [0027] and [0028]. Paragraph [0028], in particular, states the "RRM 214 is located within STB 106 and RRM 214 is designed to determine the resources associated with STB 106." The Assignee thus respectfully asserts that claim 6 fully complies with § 112.

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

Claims 7-12 also fully comply with the patent laws. Paragraphs [0026] through [0028] are reproduced below and show that claims 7-12 fully comply with the patent laws.

- [0026] STB 106 can also include a motherboard 208 that supports various other components. For example, in some embodiments, motherboard 208 can include a tuner 210 that can assist a user in selecting programs. A decoder 212 could be provided to assist in converting images from a digital format to a format suitable for display on a television. In one embodiment, decoder 212 is an MPEG-2 (Motion Picture Experts Group) decoder.
- [0027] A remote resource manager (referred to as "RRM") 214 could also be associated with STB 106. In some embodiments, RRM 214 is attached to motherboard 208, in other embodiments, RRM 214 is a separate component that is located within or on STB 106 and RRM 214 is in communication with motherboard 208, and in other embodiments, RRM 214 is located outside STB 106 and is either attached or not attached to STB 106, and is in communication with motherboard 208.
- [0028] RRM 214 is designed to determine resources that are associated with a particular STB. In the embodiment shown in Figure 2, RRM 214 is located within STB 106 and RRM 214 is designed to determine the resources associated with STB 106. In some embodiments, RRM 214 is designed to determine the resources that are associated with STB 106 at predetermined times, in other embodiments, RRM 214 determines the associated resources in response to a signal. Exactly when RRM 214 determines the nature and quality of the resources associated with STB 106 can be tailored to suit particular preferences and needs.

Rejection of Claims 1, 3, 18 & 20 under 35 U.S.C. § 103 (a)

Claims 1, 3, 18 and 20 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 6,654,546 to Levin, *et al.* in view of U.S. Patent 6,662,284 to Gold and further in view of U.S. Patent 6,925,566 to Feigen, *et al.*

Claims 1, 3, 18 and 20, however, cannot be obvious. These claims recite, or incorporate, features that are not taught or suggested by the combined teaching of Levin, Gold, and Feigen. Independent claim 1, for example, recites "a first port coupling a processor to a first communications network and to a database, the first port sending resource information associated with the set top box, the resource information describing at least two disk drives and a capacity of each disk drive." Independent claim 1 also recites "a second port coupling the processor to a second communications network." Support for such features may be found at least at paragraphs [0005] and [0025]. Independent claim 1 also recites "a firewall determining

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

when a source is authorized to communicate with the set top box and determining when a communications protocol is authorized, the firewall thus protecting the set top box from unauthorized access." Support for such features may be found at least at paragraph [0036]. Independent claim 1 is reproduced below, and independent claim 18 recites similar features.

1. A set top box, comprising:

a first port coupling a processor to a first communications network and to a database, the first port sending resource information associated with the set top box, the resource information describing at least two disk drives and a capacity of each disk drive;

a second port coupling the processor to a second communications network;

the first port receiving an operating instruction that permits the processor to access an additional portion of the at least two disk drives;

wherein the processor executes the operating instruction to repartition the capacity of a disk drive;

a firewall determining when a source is authorized to communicate with the set top box and determining when a communications protocol is authorized, the firewall thus protecting the set top box from unauthorized access;

the database storing configuration information for the set top box ; and

the processor comparing the resource information to the configuration information and, when the resource information differs from the configuration information, detecting unauthorized modifications to the set top box.

Levin, Gold, and Feigen cannot obviate these features. *Levin* describes a recorder with upgradeable storage capacity. *Gold* discloses a comparison between a device's actual configuration and a licensed configuration. *Feigen* discloses a hashing algorithm that verifies the integrity of a set top box and other communications devices. Yet the combined teaching of *Levin, Gold, and Feigen* remains silent to many features recited in independent claims 1 and 18. Independent claim 1, for example, recites "a first port coupling a processor to a first communications network and to a database, the first port sending resource information associated with the set top box, the resource information describing at least two disk drives and a capacity of each disk drive." Independent claim 1 also recites "a second port coupling the processor to a second communications network." The combined teaching of *Levin, Gold, and*

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

Feigen fails to teach or suggest these two ports to different communications networks. Independent claim 1 also recites "a firewall determining when a source is authorized to communicate with the set top box and determining when a communications protocol is authorized, the firewall thus protecting the set top box from unauthorized access." The combined teaching of *Levin*, *Gold*, and *Feigen* also fails to teach or suggest the features of this firewall.

Claims 1, 3, 18 and 20, then, cannot be obvious. These claims recite, or incorporate, many features that are not taught or suggested by the combined teaching of *Levin*, *Gold*, and *Feigen*. Independent claims 1 and 18, then, cannot be obvious. Dependent claims 3 and 20 incorporate the same distinguishing features and recite additional features. Claims 1, 3, 18 and 20, then, cannot be obvious, so Examiner Hossain is respectfully requested to remove the § 103 (a) rejection.

Rejection of Claims 2 & 19 under 35 U.S.C. § 103 (a)

Claims 2 and 19 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Levin* in view of *Gold* and *Feigen* and further in view of U.S. Patent 6,658,663 to Bruynsteen. The patent to Bruynsteen describes how a service provider may adjust the storage space of a set top box. Still, though, claims 2 and 19 incorporate the distinguishing features recited in independent claims 1 and 18. The combined teaching of *Levin*, *Gold*, *Feigen*, and *Bruynsteen* remains silent to "a first port coupling a processor to a first communications network and to a database, the first port sending resource information associated with the set top box, the resource information describing at least two disk drives and a capacity of each disk drive." The combined teaching of *Levin*, *Gold*, *Feigen*, and *Bruynsteen* remains silent to "a second port coupling the processor to a second communications network." The combined teaching of *Levin*, *Gold*, *Feigen*, and *Bruynsteen* remains silent to "a firewall determining when a source is authorized to communicate with the set top box and determining when a communications protocol is authorized, the firewall thus protecting the set top box from unauthorized access." Claims 2 and 19, then, cannot be obvious, so Examiner Hossain is respectfully requested to remove the § 103 (a) rejection.

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

Rejection of Claims 4 & 5 under 35 U.S.C. § 103 (a)

Claims 4 and 5 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Levin* in view of *Gold* and *Feigen* and further in view of U.S. Patent 6,170,012 to Coss *et al.* The patent to Coss, *et al.* describes a firewall for packet filtering. Still, though, claims 4 and 5 incorporate the distinguishing features recited in independent claim 1. The combined teaching of *Levin*, *Gold*, *Feigen*, and *Coss* remains silent to "a first port coupling a processor to a first communications network and to a database, the first port sending resource information associated with the set top box, the resource information describing at least two disk drives and a capacity of each disk drive." The combined teaching of *Levin*, *Gold*, *Feigen*, and *Bruynsteen* remains silent to "a second port coupling the processor to a second communications network." Claims 4 and 5, then, cannot be obvious, so Examiner Hossain is respectfully requested to remove the § 103 (a) rejection.

Rejection of Claim 6 under 35 U.S.C. § 103 (a)

Claim 6 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Levin* in view of *Gold* and *Feigen* and further in view of U.S. Patent 5,327,549 to Nissimov *et al.* The patent to Nissimov *et al.* describes a BIOS extension for accessing the storage capacity of a disk drive. Claim 6, though, depends from independent claim 1 and incorporates the same distinguishing features. Because the combined teaching of *Levin*, *Gold*, *Feigen*, and *Nissimov* fails to teach or suggest the first and second ports described in independent claim 1, one of ordinary skill in the art would not think that dependent claim 6 is obvious. Examiner Hossain is respectfully requested to remove the § 103 (a) rejection.

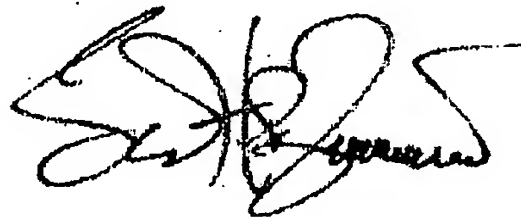
Rejection of Claims 7-12 under 35 U.S.C. § 103 (a)

Claims 7-12 were rejected under 35 U.S.C. § 103 (a) as being obvious over various combinations of *Shintani*, *Nissimov*, *Safadi*, *Coss*, *Bruynsteen*, and *Val*. These claims have been canceled, so the rejections are moot.

BS01326
U.S. Application No. 10/029,172 Art Unit 2612
Response to April 20, 2007 Office Action

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a large, stylized initial 'S'.

Scott P. Zimmerman
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